REMARKS

In the Office Action, the Examiner noted that claims 1-4, 6-40, and 42-94 are pending in the application, claims 31-36, 64-67 and 82-94 are withdrawn from consideration, and that claims 1-4, 6-30, 37-40, 42-63, and 68-81 are rejected. In view of the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, the Applicants believe that all of these claims are now in condition for allowance.

I. REJECTION OF CLAIMS FOR OBVIOUSNESS-TYPE DOUBLE PATENTING

The Examiner rejected claims 1-4, 6-30, 37-40, 42-63, and 68-81 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-65 of United States patent 6,134,235, issued October 17, 2000.

The Applicants have filed herewith a terminal disclaimer under 37 C.F.R. 1.130(b). As such, the Applicants respectfully request that the obviousness-type double patenting rejection be withdrawn.

II. REJECTION OF CLAIMS 14-16 UNDER 35 U.S.C. §102

The Examiner rejected claims 68-70 as being anticipated by the Farris et al. patent (United States patent 6,574,216, issued June 3, 2003, hereinafter Farris). The rejection is respectfully traversed.

Farris teaches a method for monitoring the quality of a packet data network voice call. More specifically, the quality of service existing in a packet data network during the course of communication of a voice call through the packet data network (e.g., the Internet) is monitored. If the quality of the voice call is maintained in excess of a particular threshold, communication of the call will continue through the data network. However, if the measured quality of service on the data network is not acceptable, the routing of the call is changed to communication solely through a voice telephone network connection. Thus, the packet data network is bypassed in order to obtain an acceptable quality while maintaining the call (see Farris, Abstract).

The Examiner's attention is directed to the fact that Farris fails to disclose or suggest a bridge component that determines the traffic conditions for each of a Plain Old Telephone Service (POTS) network (i.e., a first communication network) and a packet network (i.e., a second communication network), as claimed in Applicants' independent claim 68. Specifically, Applicants' claim 68 positively recites:

68. A system for bridging a first communications network having a payload subnetwork and a signaling subnetwork with a second communications network that is packet-switched, comprising:

a bridge component to selectively transfer information between the first communication network and the second communication network, the bridge component being configured to:

a. determine a desired characteristic associated with a requested communication;

b. determine traffic conditions for each of the first communications network and the second communications network; and

c. determine from the traffic conditions and from the desired characteristic associated with the requested communication whether to route the communication to the first communications network or to the second communications network. (Emphasis added)

The Applicants' invention pertains to a system for bridging a first communications network having a payload subnetwork and a signaling subnetwork with a second communications network that is packet-switched. More specifically, this system comprises a bridge component that selectively transfers data between the first and second networks (e.g., a POTS network and the Internet). The bridge component may be configured to determine the traffic conditions for each of the two networks so that the bridge can determine whether a requested communication should be routed to the first network (i.e., the POTS network) or the second network (i.e., the Internet). Namely, the present invention can efficiently route the communication to either network depending on each of the network's respective traffic conditions and desired characteristics (see specification, page 26, paragraph 1).

Conversely, Farris only teaches the use of a quality of service as a measure for routing the call from the packet data network to the voice telephone network in the event the quality of service on the packet data network is not satisfactory. Thus, at best,

Farris only teaches the use of a desired characteristic for controlling which one of the two networks to service the call. However, Farris is completely devoid of any teaching of "determining traffic conditions for each of the first communications network and the second communications network", as positively claimed by the Applicants. The Examiner in the Office Action summarily cited reference number "(122)" in Farris' FIG. 5 as teaching this determining step. However, the Examiner's attention is directed to the fact that reference number "122" only represents a "quality test application" as labeled in FIG. 5 of Farris. In fact, there is absolutely no description in Farris' specification as to what this "quality test application" is doing. More specifically, Applicants respectfully request the Examiner to provide specific support in Farris as to how the "quality test application 122" is capable of "determining traffic conditions for each of the first communications network and the second communications network" as positively claimed by the Applicants.

Applicants submit that the Examiner has failed to provide the necessary support for the present 35 USC §102 rejection because each and every elements and limitations of Applicants' independent claim were not taught by the cited reference. Therefore, the Applicants respectfully submit that the present invention as set forth in claim 68 is not anticipated by Farris and fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder.

Dependent claims 69-70 depend directly from claim 68 and recite additional features thereof. As such and for the exact same reasons set forth above, the Applicants submit that claims 69-70 are also not anticipated by the teaching of Farris. Therefore, the Applicants submit that these dependent claims also fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder.

CONCLUSION

The Applicants respectfully submit that none of the claims presently in the application are unpatentable under the judicially created doctrine of obviousness-type double patenting or under the provisions of 35 U.S.C. §102. Consequently, the Applicants believe that all these claims are presently in condition for allowance.

Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

10/18/04
Date

Kin-Wah Tong, Attorney
Reg. No. 39,400
(732) 530-9404

Moser, Patterson & Sheridan, LLP
Attorneys at Law
595 Shrewsbury Avenue
Suite 100
Shrewsbury, NJ 07702